

HOUSE BILL NO. 446

INTRODUCED BY J. JAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN EXPRESS PURPOSE OF THE MONTANA YOUTH COURT ACT IS TO ENSURE THAT WHENEVER A YOUTH IS REMOVED FROM THE HOME, THE YOUTH IS ENTITLED TO MAINTAIN ETHNIC, CULTURAL, AND RELIGIOUS HERITAGE WHEN APPROPRIATE; AMENDING SECTION 41-5-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-102, MCA, is amended to read:

"41-5-102. Declaration of purpose. The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

(1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;

(2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:

(a) provides immediate, consistent, enforceable, and avoidable consequences of youths' actions;

(b) provides a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders; ~~and~~

(c) in appropriate cases, provides restitution as ordered by the youth court; and

(d) ensures that, whenever removal from the home is necessary, the youth is entitled to maintain ethnic, cultural, and religious heritage whenever appropriate;

(3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;

(4) to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights."

2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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